The

BAR ASSOCIATION BULLETIN

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THE BAR ASSOCIATION BULLETIN

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Responsibility of the Bar to the Public in the Selection of Judges

BY EUGENE OVERTON, ESQ.

[ED. NOTE—Address delivered by the President of our Association before the meeting of the Judicial Section of the California Bar Association, June 19, 1926, at the Alexander Hotel, Los Angeles. The paper has been edited for the purpose of this printing. For subsequent activities of the Los Angeles Bar Association along the lines herein mentioned, see issue of BULLETIN, July 1st, 1926.]

During many years of keen interest in Bar Association work, I have seen much that needed reform, and a vast amount of work to be done. It took me a long time to decide for myself as to the most useful work that bar associations, particularly local ones, could do, and finally I became convinced that there is one work more important, more fruitful of lasting good, and more nearly fulfilling our obligations to society, than any other, and that is a well organized and consistent effort to keep on the bench men whose standards are of the highest, who would be looked up to by the public and who would maintain the standards which both lawyers and laymen expect, and have a right to demand. It is a hackneyed phrase, but none the less true, that the Bench is the bulwark of our nation. Once let it deteriorate and become the tool of politicians, and subject to baleful influences, once let it lose the people's confidence and respect and then what? Ancient and modern history, even down to our day, furnishes the answer. We must maintain our standards or anarchy and chaos will surely be the outcome.

Whose duty is it to see that these standards are maintained? That it is the duty of the Bar seems so clear as to admit of no denial. And yet there are those who deny it. Today the members of every profession and many trades recognize this duty to themselves and to the public. Even the plumbers do this. But lawyers have lagged behind, and lagged woefully, in almost every matter effecting needed reforms in law and practice. And yet we feel aggrieved when the public criticises. But the public is more often right than wrong.

On the other hand, I will not admit the charge so often made by lawyers as well as laymen that our profession has fallen from its former high estate into disrepute. That the methods of practicing law have undergone very decided changes there is no doubt. It has, as it should, to a certain extent, followed, the trend of modern business, adapted itself to the needs of business. The status of the lawyer has changed. From a purely legal adviser, sitting in a musty office, advising his clients as to whether this or that was technically legal, and becoming a detriment rather than an aid to business, he has developed into a business as well as a legal adviser. It is his province now to sit in with his clients on business deals, steer them away from the technical pitfalls, but at the same time promote, rather than hinder the accomplishment of the deal. And as a concomitant to big business, and to the complications of modern business, large legal organizations have necessarily developed, and some, at least, of the members of these organizations must necessarily be executives as well as lawyers.

The attitude of the client is better. He is fast realizing that *a lawyer's province is to keep him out, and not to get him out of trouble.* Read the code of ethics of the American Bar Association. There could be no finer standard, and when all is said and done most of us pretty well live up to it.

It is not the purpose of this paper, however, to enter into a discussion as to the present standing of the Bar, and I have touched upon it only for the purpose of making this point—that if the Bar is to be responsible to the public and guide it in the selection of the judges, the Bar must itself set standards that will maintain its dignity and prestige, and the respect of the public. Then, and only then, is it fit to undertake the selection of the bench. Digressing for a moment, let me point out that here there is a reciprocal duty—the duty of the Bench to aid the Bar in its efforts to maintain its standards. It is the Bench that sits in judgment on the derelictions of attorneys, and too often soft-hearted judges, moved by unreasoning compassion, forget their duty to the public and to the profession; they fail to disbar or suspend from practice, fail to deny appli-

cations for re-admission, fail to advise the Bar Associations of unethical practices which they observe. Their human sympathy often makes them look only to the effect on the lawyer who is before them, and they overlook the wider aspect of the affect on the public and profession.

Now, if the profession maintains its high standards, is it not the proper, and, in fact, the only agency, that can intelligently select the judiciary? Who but the lawyer knows the lawyer? Who but lawyers are competent to judge of the legal attainments and judicial temperament of their brother lawyers? It is absurd to assume that the public can do this, and more absurd to assume that a lawyer wishing to become a candidate for the Bench can judge of his own qualifications. We all think we are good lawyers, and most of us think we have the requisite judicial temperament to enable us properly to sit in judgment on our fellow men; and feeling this, we become candidates, we get the necessary number of uninformed citizens to sign our petitions, we let loose a flood of posters and literature, and we stand up before the public and talk, often talk well, make a good impression, and get the votes. And all the time our brother lawyers are watching our campaign with dread lest we be successful.

In 1924 the Judicial Selection Committee of the American Bar Association rendered a very comprehensive report, wherein they say:

> "Certain postulates we accept as basic. It is both the right and the duty of the Bar to act in this selective process. The right springs from that inherent privilege which entitles one to demand that he who is chosen from his fellows to sit in judgment of the cause must needs bear worthily that distinction and meet four square the traditional tests of an exalted professional attainment. Born of this, society, in turn, has rightfully to require a recognition and performance of the correlative obligation. That duty is fulfilled only when the Bar, offering for its aid and counsel, has registered in full measure its conception of judicial fitness founded, as it must be, upon a discernment of those qualities of mind and heart, those traits of poise and patience that mark in men the true judicial temperament. To the extent that society accords recognition of this right and that the bar exerts its duty will results be achieved."

Gentlemen, there is no duty of ours so plain, nor so impelling, as the duty to take a hand in, and direct the selection of judges. It is our duty to seize every possible opportunity which may bring success to our efforts. That we can be successful and accomplish our aims with comparative ease admits of no doubt to those of us who have been active in this work. The public is crying for assistance.

We all know that what has brought this need about is the direct primary. And I think that most if not all of us have come to believe that certainly so far as the selection of the judiciary is concerned the direct primary has proven a miserable failure. But, as so often happens, good may come of a bad situation, and I believe is coming in this instance. Previously, under the party convention system, the conventions were comparatively careful in the selection of the candidate, and the party was held responsible, and on the whole we got good judges. Now there is no one to select, and no one to hold responsible. But, if this results, as it apparently is resulting, in compelling the Bar to take a hand, and to direct the selection of the judiciary, then it will have resulted in great good to the public.

Up to this point we have been considering this question only from the standpoint of the Bar and the public. Let us now consider it briefly from the standpoint of the Bench.

It can, I believe, be safely said that there is nothing that the average judge dreads so much as the approaching expiration of his term of office; not because he is fearful that he may not be elected, but because it means that he will have to undertake a political campaign; neglect his work; organize a campaign committee; and ask his friends to contribute funds; that he will have to appear here and there as a puppet for the public gaze and make speeches, and do the glad hand work. Psychologically, the temperament that makes for a good judge, seems to be the one that shrinks from this. The man of learning, of finer sensibilities, and of dignity, is always of a retiring nature, he is never the politician and office seeker. His finer sensibility abhors the glad hand. The necessity of standing on a stage, and in effect, if not in words, asking his audience to vote for him, holding himself out as better than the other fellow, is repugnant to his very nature, inherently repugnant to the nature that we must needs have in our judges. And so each judge, if he be possessed of the true judicial temperament, looks forward to the coming campaign with consternation, so much so that in many cases he refuses to go through with it.

Leaving the Bar and the public entirely out of the consideration, then how much better and easier would it be for the judges how much more would it add to their dignity, and how much more would it save their self-respect, if the Bar would take all this from their shoulders; if the Bar as a body would go before the public and say "here is the man who should be a judge; here is the man of learning, experience, probity, impartiality and independence, whom you should elect, and to whom you could safely entrust your life and property." Is there any man aspiring to judicial honors who would not prefer to attain them by this means? If there is that man is not of the stuff that makes the jurist. As a matter of fact, it should be our aim to educate the public until it realizes that learning and ability are what they need in their judges, and that popularity is not. And that the newspaper judges, those who cater to the press, and use the Bench to obtain notoriety and to popularize themselves, are the very ones whom they should distrust. I have discussed this matter with many judges, and almost without exception, each has unhesitatingly said that he believed all right thinking judges would welcome the day when the Bar would undertake the conduct of their campaigns.

Now, if we admit that upon the Bar lies the duty and the responsibility of selecting the judiciary, the next, and perhaps most important consideration is as to ways and means. And while I have observed that almost all lawyers and judges agree with the views I have expressed up to this point, there is, unfortunately, a wide divergence of opinion as to the best method of accomplishing the desired result. Time was, and it was only a short time ago, that most lawyers and judges were very skeptical as to the ability of the Bar to succeed in getting the public to accept its judgment. We who contended for it were met with the statements that it had been tried and failed; that the public was distrust-

ful of everything that lawyers advocated; that all that was necessary to defeat a candidate was the open support of the Bar, and that the public could never be educated up to the point of accepting its recommendations. True, it had been tried once or twice and failed. But failure is the bed fellow of most early attempts at reform, and it is now apparent that there were good reasons for this failure. It was not that the public was distrustful. That there were large numbers who were, cannot be denied. But the main reasons were, first, because the method adopted to determine whom the Bar should endorse was not a proper one, and second, and most important, the public was uneducated. It had not yet fully realize how unsatisfactorily the direct primary is working, and had not learned what the Bar was really trying to do, nor come to believe in its sincerity; and lastly, the Bar did not follow up its endorsements with an active campaign in support of those it endorsed, but contented itself with merely giving the result of the vote to the press.

As most of the activity in California has been in Los Angeles, I believe that by outlining briefly what has been done here, with occasional references to other cities, and to the very carefully considered report of the Committee of the American Bar Association, I can give you a fairly clear idea of the subject.

The first activity of the association in connection with the election of judges was in 1920. In that year a vote was taken with reference only to the ten incumbent judges, and the *entire Bar of the County* was asked to vote for those it favored, and also suggest names of possible candidates whom it would favor. This ballot resulted in the endorsement of six of the incumbents. No campaign was made by the Association in support of those endorsed. A separate organization of lawyers and laymen put up four candidates in opposition to the four who were not endorsed by the Association, and conducted a vigorous campaign in support of its candidates and the six incumbents who had received the endorsement of the Association. All six of the incumbents were re-elected, and of the remaining four, two were elected and two defeated by the candidates put up by the independent organization. In this instance the endorsement of the association undoubtedly had a good deal of influence on the vote, but it was not possible to determine just how much. However, one thing was apparent, and that was that our efforts were only half planned, and that if we hoped to accomplish much, they must be entirely revamped.

In 1922 there were to be elected one justice of the District Court of Appeals, six Superior Court Judges, six Justices of the Peace of Los Angeles Township, and five Los Angeles City Police Court Judges. A ballot was sent to all the lawyers in the County containing the names of all candidates and it resulted in the endorsement of all incumbents by a majority vote. A little publicity was given the vote, but again no campaign was made. Nevertheless, the result of the election was fairly satisfactory. I do not want to take your time with reasons and details, but an analysis of this plebescite and the election demonstrated clearly those things as to which the trustees of the Association were unanimous. 1. That the voting should be limited to the Association; 2. That those voting should be furnished with at least a biographical sketch of the candidates, and 3. That to render our efforts effective, a vigorous campaign should be conducted by the Association in support of those it endorsed. Several of the trustees went further and believed that not only should the association campaign for those it endorsed, but that it should oppose and actively campaign against those it did not endorse. However, the conservatism of many made the Association slow to take what then seemed a drastic step. Nevertheless, this vote did result in an amendment to the by-laws of the Association, providing for a committee to conduct all plebescites of the Association, and also providing that the Trustees may by a two-thirds vote, and after hearing thereon duly had, omit from the list of candidates to be voted upon by the members, the name of any candidate deemed unqualified by reason of conduct unbecoming a judicial officer or attorney-at-law, or for other grave cause. This was as far as the association would go at that time. As a matter of fact, this has never been done and we now realize that the amendment is far from adequate.

In 1924 two plebescites were taken by the Association to determine the choice of the Association for Superior Court judges. These ballots resulted in the endorsement of eleven out of thirteen for the long term, and one of two for the short term. The Association then raised funds, about $4000.00, if I remember correctly, by voluntary subscription from lawyers, employed a campaign manager, and undertook for the first time as aggressive a campaign as the funds would permit. This resulted in the election of all of the candidates who had been endorsed, and there is no doubt in the minds of any who watched this campaign, and got the reaction of the voters, that they strongly supported the endorsees of the Association, and that had the Association endorsed a full ticket, and opposed those whom it considered unfit, the Association ticket would have been elected.

By now the association had learned a good deal, briefly this: That in all cases where there is a long list of candidates, at least two ballots of the Association should be taken to obtain a majority vote for endorsement, and to neutralize the effect of politics and wire pulling within the Association; that the voting should be limited to members of the Association; that some method should be devised of instructing the members as to the qualifications of the candidates, in order to enable them to vote intelligently; that a vigorous campaign must be conducted by the association in support of those it endorses, and last, but by no means the least, that the Association must actively oppose at the polls candidates who have not received its endorsement. The trustees are now unanimously in favor of this last, and apparently there is no real opposition by the members of the Association. An amendment to the by-laws to permit of this will be voted on at the next meeting of the Association and there is little doubt but that it will carry. [Note: Unanimously carried at meeting of Association, June 24, 1926. See Amendment to By-Laws, Subdivision B, Section (e).]

The most troublesome problem that we have to solve is as to the proper method of conducting the plebescite, particularly in regard to instructing the members as to the qualifications of the candidates. All of the trustees believe that our past procedure has been productive of only fairly good results, and that we still have much to learn by experience. As to instructing the members all agree that a commit-

tee should be appointed to collect information to be sent out with the ballots. But as to the make up of that committee, and as to what information it should furnish, and as to whether it should make recommendations or express opinions there is a wide divergence. Recently a sub-committee of the Trustees, after giving this matter careful consideration, returned a report that there should be a committee on judicial selection of nine, five of whom should be the ex-presidents of the Association who had most recently held office, and that the other four should be nominated by the nominating committee and elected at the annual meeting. The Trustees adopted this report, but changed it to provide for four ex-presidents and five to be elected. The Trustees, however, were not unanimous as to this, two or three believing that all of the committee should be elected.

As to the duties of this committee, the same subcommittee of the Trustees reported in favor of the Judicial Selection Committee gathering biographical and other information concerning candidates, investigating their qualifications, and stating in its report whether, in its opinion, a candidate is or is not qualified for the office, but prohibiting it from making any recommendations as between candidates whom it finds qualified. The Trustees adopted this recommendation, but again one or two opposed it, holding to the belief that the committee should only gather and send out biographical sketches as to each candidate and should make no statement as to whether a candidate is or is not qualified. These questions are now before the Association for determination, as they all involve amendments to the by-laws. I am personally of the opinion that it is not of the utmost importance whether the committee is all elected, or partly or entirely made up of ex-presidents, the main object being to get a strong and fearless committee. But I am very strongly of the opinion that unless it is allowed to express its opinion as to whether or not a candidate is qualified for the office, its usefulness will be greatly impaired. Men who would make the poorest judges can often produce biographical sketches that will read well, and in a large city, with a large bar, (we have about 2500 practicing lawyers in this County, and the Association has about 1900 members) it is utterly impossible for each lawyer to know enough about the candidates to vote intelligently on but a small proportion of them, where, as usually happens. there is a long list.

The various methods have all been tried in Eastern cities, and we could, if we would, profit by their experience. The only real difference of opinion is as to the make-up and powers of the committee, particularly as to its powers. Those who advocate empowering the committee to state whether or not in its opinion candidates are fit or unfit, are met by the objections that it is undemocratic, that no such committee would function, that it is giving too much power to a committee, etc. And yet we have the experience of New York, and the conclusions of the Judicial Slection Committee of the American Bar Association to refute this. Both the "Association of the Bar of the City of New York" and the "New York County Lawyers' Association" have committees whose duty it is to determine the fitness of candidates, and recommendations of these committees are practically final and become the selection of the Bar Association without any plebescite. The Committee of American Bar Association in the report above referred to, commenting on the New York plan, have this to say:

> "Fortunately the Bar of New York has been represented in this regard by men of the highest attainments in the profession whose recommendations bear the stamp of sincere and unbiased judgment. The success of the plan in the City of New York must be attributed essentially to this fact."

And Mr. Wm. D. Guthrie, President of the Association of the Bar of the City of New York, makes this statement:

> "Before a judicial candidate can be intelligently and wisely selected, there should be a most thorough investigation and exchange of views as to his professional scholarship and repute, his practical training and experience, and his character."

Philadelphia has a somewhat similar plan, but with the difference that the committee may in its own discretion refer the matter to the Association. This plan seems to be working quite well.

Detroit and St. Louis have very much the same system as Los Angeles. That is, the selection is made through a plebescite of the Bar Association, leaving to the committee merely the function of initiating or supervising the action of the Association.

As to this plan the Committee of the American Bar Association has this to say:

> "Experience has demonstrated varying degrees of success of this system. Its advocates point to the fact that the thoroughly democratic character of the plebescite must of necessity appeal to the electorate as reflecting the deliberate composite judgment of the Bar. On the other hand, here and there, notably in the larger associations, comes the demand for the endorsement of candidates by committee. But here again the occasion for the demand lies in the unwieldy size of the Bar and the lack of acquaintance that the members might have with the candidates for selection."

Cleveland and Chicago seem to have combined the other two systems, and of these the American Bar Association Committee says:

> "Finally, we point to the Cleveland and to the Chicago Bar Associations as typifying the third group of our classification and as bringing to this phase of the problem very happy suggestions in the effort properly to blend the functions of the committee with the referendum powers of the Association as a whole. In both associations the plebescite of the Bar is retained and yet in each the designated committee is made to exercise duties important and helpful in the selective process. In the Cleveland Association the committee is required to collect biographical data of the candidates and furnish these for the use and information of the members. Pertinent questionnaires are prepared and submitted to the candidates, which when answered serve as the basis for the printed pamphlet which is posted with the referendum ballot. The recent success experienced by that Association in the case of judges of the Municipal Court would stress the wisdom of the system in vogue.

The plan adopted by the Chicago Bar Asso-

(Continued on page 11)

Message of the Los Angeles C of t of Certified Acc

WHAT "C N

The profession of Accountancy involv more
A broader appreciation of the qualifica hose w
practice as Certified Public Accountan ssed i

> *A Certified Public Accountant i skille finance, and particularly in the a lating the disposal of the public for re n.*

This definition calls for three main qua s:

1. *Skill in the affairs of commer nce.*
2. *Special skill in the accounts hereto.*
3. *The application of this skill irs of one corporation, or firm, for tion.*

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"C." MEANS

involve more than mere skill in bookkeeping. ualifica those who are authorized by the State to ountan ssed in the following definition:

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Title Insurance and Trust Company

Incorporated December 20th, 1893

WILLIAM H. ALLEN, JR. . . . . *President*
STUART O'MELVENY . . . . *First Vice-President*
O. P. CLARK . . . . . *Secretary*

Statement, June 30th, 1926

RESOURCES

Cash in Banks	$2,081,639.12
Bonds	2,131,258.24
Bonds in State Treasury	204,878.50
Mortgage Loans on Real Estate	1,628,330.24
Mortgage Loans in State Treasury	509,000.00
Collateral Loans	162,750.00
Stocks	1,280,770.51
Real Estate	979,352.24
Accounts Receivable	286,305.26
Other Assets	29,699.70
	$9,293,983.81

LIABILITIES

Capital Stock	$3,000,000.00
Surplus	1,050,000.00
Undivided Profits	4,840,194.00
Reserves for Taxes, Etc.	403,789.81
	$9,293,983.81

Trust and escrow funds are carried in separate accounts and are therefore excluded from the statement of resources, which contains nothing not actually owned by the Company.

In addition to the resources shown above, the Company owns its Title Plant, complete in every detail—one of the best in the United States—which, in connection with the Escrow Department, makes it possible to render a service unsurpassed by any other Title Insurance Company. A duplicate of this plant is stored in the Company's Fireproof Archives Building, near Hollywood, which would enable the Company to continue its service in case a conflagration should destroy the county records and the plant in the Main Office at Fifth and Spring Streets.

The Company issues Guarantees and Policies of Title Insurance, handles Escrows, and acts in all Trust capacities.

It also issues Guarantees and Policies of Title Insurance and handles Escrows on property in the counties of San Diego, Ventura, Kern, Tulare, Riverside and Santa Barbara. Orders for Guarantees and Policies to be issued in those counties can be placed, if desired, with the Main Office at Fifth and Spring Streets.

RESPONSIBILITY IN SELECTION OF JUDGES

(Continued from page 6)

tion differs only in degree. It accords to the Judiciary Committee even more enlarged functions, by virtue of which the power and duty reside not only to furnish information concerning candidates, but also to recommend. Based upon the report thus filed a vote of the membership is taken. Here are preserved in large measure the best features of each group, a definite expression from the committee, a referendum choice by the Association and yet with it all an elimination of those objectionable elements usually attendant upon the plebescite in the very large associations. With a membership of exceptional proportions, the Chicago Bar Association has thus not abandoned the plebescite, while at the same time it has utilized the functions of its Committee quite as liberally as obtains under the "New York plan." Prior to the Bar primary the Committee secures exhaustive information concerning the candidates, publishes a booklet giving a brief biography, likewise displaying his picture, and concludes with a recommendation characterizing the candidate as either "qualified," "fairly well qualified," "well qualified," "exceptionally well qualified," or as "unqualified" or "unfit". Again, after the nomination and prior to the election the Committee publishes another pamphlet with its estimates or qualifications once more recorded. While the electorate has not always responded to the recommendations of the Association, nevertheless, the successes achieved bear evidence of the possibilities of this system of selection. The virtue of the plan further lies in the elastic powers of the "Committee on Candidates," and in the reasonable assurance of the fairness of its personnel, consisting, as it does, of nine members, "preferably former presidents of the Association".

So, if it is the duty of the Bar to aid in the selection of the judges, and if its recommendation is to be determined by vote of its members, is it not its duty to adopt all reasonable means of informing itself, and is not this to be best accomplished by a strong impartial committee studying each candidate and reporting on his qualifications? In a later report of the Committee of the American Bar Association at Detroit in 1925, they say:

"And while the primary of the Bar is clearly the favored method for registering preference, nevertheless, as noted in our report of last year, the larger the Association, the more enlarged became the duties of the Local Committee on Judicial Selection."

There is another question that is provoking a good deal of discussion. It is as to whether the Bar should give preference to incumbent judges. In an article appearing in the journal of the American Judicature Society, Mr. Guthrie makes this statement:

"It has long been the general policy of the Bar of the State of New York, to urge and support the re-nomination and re-election on a non-partisan basis of all judges who had competently and satisfactorily served an elected term, and who had upheld the independence, dignity and prestige of the Bench. This policy has tended to promote independence and impartiality in our judges, and to make them feel that their re-nomination and re-election would depend only upon the character of the judicial service they rendered, and that they would not have to look to political organizations or groups for re-nominations or groups for re-nomination if they desired to continue in judicial office."

With this very object in view, the Los Angeles Bar Association has just completed a plebescite to determine which of the incumbent judges whose terms are about to expire, should receive the endorsement of the Association. We did it innocently enough and in all good faith, but we brought down on our heads a storm of protest. The Los Angeles Record printed a prominent editorial headed in large black type, "For a Fair Bar Association," and ended with these words, "The Bar Association owes it to itself to avoid the charge that it is attempting in advance to pre-empt the field for the judges in office."

However, as each of our efforts in connection with the selection of the judiciary has in turn met with the most violent opposition, and has been designated as unfair, undemocratic, involving the bar in politics, and the like, but has finally come to be accepted, it is probable that this will follow the same course, and soon become an established policy.

Let me give you one more thought which is also in line with the recommendations of the Committee of the American Bar Association. It is this: That another duty of the Judicial Selection Committee should be to endeavor to induce fit candidates to stand for selection, as, to quote from the report, "This, of course, is of prime importance where candidates are to be chosen through popular election. Selection by the Bar would be of little moment where the material offered is of indifferent character."

In closing, I believe I cannot do better than to quote once more the Committee of the American Bar Association. They say:

"The duty of the Bar is therefore clear. In the Canons of Ethics adopted by the American Bar Association in 1908 there appears under the caption, 'Selection of Judges,' this significant provision:

"'It is the duty of the Bar to endeavor to prevent political consideration from out-weighing judicial fitness in the selection of judges. It should protest earnestly and actively against the appointment or election of those who are unsuitable for the Bench; it should strive to have elevated thereto only those willing to forego other employments, of a business, political or other character, which may embarrass their free and fair consideration of questions before them for decision. The aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office and not by a desire for the distinction the position may bring to themselves.'

"If this exalted expression of purpose is to mean more than a mere platitude then it must be given the impetus for execution. The machinery for effectuating the end declared must here and now be established. Accredited systems of judicial selection proved by the test of experience should be noted and observed. Imperfections here should be made to serve to caution a course of conduct there. Data should be compiled, arranged and made acessible to those that may require it. The adoption of systems suited to local conditions should be actively encouraged and furthered in all communities and sections, and consistent means of judicial selection established in lieu of sporadic efforts."

Amendment to By-Laws

[Amendment proposed by Thos. C. Ridgway, Esq., and unanimously carried at meeting of Los Angeles Bar Association on June 24, 1926.—Editor.]

That Sec. 3 of Article VIII of the By-Laws be amended to read as follows:

3. A Committee on the Judiciary which shall consist of nine (9) members.

SUBDIVISION A. This Committee shall be charged with the duty of observing the practical workings of the Courts of record, both criminal and civil, and of making such recommendations to the Association with respect thereto as it may deem advisable.

It shall be the duty of this Committee to consider and investigate any complaint which may be laid before it of such conduct upon the part of any judicial officer as would justify the impeachment of such officer, and if in the opinion of the Committee the complaint is well founded it shall report the same to the Board of Trustees for action, and the Board of Trustees shall thereupon be authorized to take such action as in its judgment is proper.

The Committee shall also have power to consider complaints made against Clerks or other ministerial officers and attendants connected with the Courts, and if it finds such complaints well founded to bring the matter before the Board of Trustees for action.

SUBDIVISION B. This Committee shall conduct such plebiscite as may be ordered by the Board of Trustees for the purpose of passing upon candidates for election or appointment to judicial or other public office, of determining their qualifications, of endorsing certain of those qualified and of opposing those not qualified, which plebiscite shall be conducted in accordance with such rules and regulations as may be adopted by the Board of Trustees, provided however that the Association or the Board of Trustees may delegate to a special committee to be appointed by the President the conduct of any such plebiscite. The Committee in charge of any plebiscite shall be charged with the following duties:

(a) It shall gather biographical information concerning all candidates for election or appointment to the Superior Court of Los Angeles County, the Municipal Court of the City of Los Angeles, the District Courts of Appeal of the Second Appellate District, the Supreme Court, the United States District Court for the Southern District of California, and such other courts or public offices as the Board of Trustees may from time to time determine upon. From the material so gathered the Committee shall print for the information of the members of the Association data as to each candidate, giving his age, period of practice in California, extent and nature of his education and practice, and such other facts as may be of value in determining his qualifications for the particular office sought by such candidate. It may endeavor to induce fit persons to become candidates.

(b) To prepare and mail to each member of the Association such data, together with a ballot containing the names of all candidates and aspirants for election or appointment. Said ballot shall be so arranged that the person voting shall be required to indicate as to each candidate, whether such candidate in his opinion is either "Qualified" or "Not Qualified" for the office sought, or that he has "No Opinion" relative to the qualifications of such candidate. In case of an approaching Primary Election, the ballot shall be mailed as soon as practicable following the expiration of the time for filing nomination petitions, and in other cases the same shall be mailed at such time as the Board of Trustees may determine.

(c) Said opinions expressed upon each of said ballots shall be canvassed and tabulated by said Committee, and with the information so obtained the following conclusions shall be reached:

If it appears, by the vote of a majority of those who have expressed an opinion upon the qualifications of a candidate, that he is not qualified for the office sought, such determination shall be accepted as the judgment of the Association as to his qualifications.

If it appears, by the vote of three-fourths of those who have expressed an opinion upon the qualifications of a candidate, that he is qualified for the office sought, such candidate shall be eligible for endorsement by the Association in the manner hereinafter specified, provided, however, if no more than fifty per cent of all valid ballots cast in said plebiscite express an opinion upon the qualifications of a candidate, such candidate shall be eliminated from further consideration, except that in the event the number of eligible candidates is less than the number of offices to be filled, the percentage last hereinbefore mentioned shall be lowered to the extent necessary to add to the list of eligible candidates a sufficient number of names so that the Association shall endorse a candidate for each office to be filled.

(d) Candidates shall be endorsed by the Association as follows:

Said Committee shall determine the percentage that the favorable votes received by each eligible candidate bears to the total votes expressing an opinion upon his qualifications, and shall make a list of such eligible candidates placing thereon their names in the order shown by such percentage, the one receiving the highest percentage to head said list.

The Association shall endorse, in the order shown upon said list, a candidate for each office to be filled by election or appointment. In case of a tie in the percentage of two candidates upon said list, the one polling the greater number of ballots expressing an opinion upon his qualifications shall be given the higher place in said list of eligible candidates.

The Committee shall make public the result of said balloting upon all endorsed candidates and those who poll more than 50 per cent of all valid ballots cast, showing as to each candidate the number of ballots which expressed an opinion upon his qualifications, with the vote thereon as shown by such ballots and the percentage attained by him, and also the number of ballots which expressed no opinion upon his qualifications, and shall also make public the result of said balloting as to each candidate determined by said plebiscite to be not qualified.

(e) The Association through its Board of Trustees shall conduct a campaign in favor of the candidates endorsed by the Association and in opposition to the candidates found by such balloting to be not qualified.

(f) After the Primary Election is held the vote taken in the above plebiscite upon the candidates successful at said Primary Election shall be retabulated and listed and such of said candidates as shall have been previously endorsed shall be again endorsed and those previously determined to be unqualified shall be again opposed at the approaching General Election. If the number so endorsed is less than the number of offices to be filled, a sufficient number of the remaining successful candidates shall be selected in order that the Association shall, if possible, endorse a candidate for each office to be filled. For such purpose resort shall be had first to such successful candidates as have been found by such plebiscite to be eligible for endorsement, taking the necessary number in their order on said list, and if there are not a sufficient number so eligible then the percentage which is necessary to place a candidate on the eligible list shall be lowered to the extent necessary to add a sufficint number to said list. The Board of Trustees may, if it deem it advisable, order a second plebiscite upon the candidates successful at said Primary Election.

Notice to Candidates for Election to Superior Court Important

Candidates for election to the Superior Court at the August Primary, are respectfully requested to immediately notify the Secretary of the Los Angeles Bar Association, by phone or letter, of their candidacy, and of the particular term for which each is a candidate, in order that their names may be placed on the ballot to be sent out, in connection with plebiscite to be taken of the members of the Association.

This notice does not apply to incumbent candidates who have already received the endorsement of the Association, or to candidates for the unexpired terms of John M. York and L. H. Valentine.

It should be noted that the Association has already endorsed Albert Lee Stephens, Harry A. Hollzer, Walter S. Gates, Sidney N. Reeve, F. C. Valentine, Chas. S. Crail and Chas S. Burnell, incumbent candidates for the long term, and Edward T. Bishop and Wm. Hazlett, incumbent candidates for the unexpired terms of John M. York and L. H. Valentine, respectively. The vote will be taken upon the three remaining long terms and the unexpired term of J. P. Wood.